HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 1775 of 2004

Date: 14.12.2006

Between:
Appala Subramanyam, S/o. Late Sree Rama Murthy,
Aged about 42 years, R/o. 23-17-25/7,
Lalita Nagar, Rajahmundry.

..... PETITIONER

and

1. Superintending Engineer (Operations),
Andhra Pradesh Power Distribution Corporation Ltd.,
Rajahmundry Circle, Rajahmundry and others.

..... RESPONDENTS

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ORDER:

The petitioner purchased land admeasuring 600 square yards

along with the shed. The said land is comprised in R.S. No. 115 situated at Morumpudi Village of Hakimpet Mandal in East Godavari District. Be it noted that the vendor of the petitioner, Vasireddy Rambabu had established a plastic industry, M/s. Sri Sai Plastic Industries in the said premises and the same became defunct in 1996. After purchasing the property, the petitioner approached the 3rd respondent on 29.12.2003 requesting a fresh service connection to the petitioner's premises. By a letter dated 30.122003, the 3rd respondent informed the petitioner that fresh service connection cannot be granted unless and until the arrears/dues of current consumption charges in a sum of Rs. 1,45,000/- in respect of service connection, being, S.C. No. 25862 belonging to M/s. Sri Sai Plastic Industries is paid by the petitioner. Aggrieved by the same, petitioner filed the present writ petition seeking a direction to the respondents to provide a new electricity meter to the petitioner's office site without insisting on the payment of arrears from the previous owner.

The learned counsel for the petitioner placed reliance on the decisions of the Supreme Court in **Isha Marble** v. **Bihar State Electricity Company Limited & Others**[1] and **Ahmedabad Electricity Company Limited** v. **Gujarat Inns Private Limited & Others**[2]. He also placed reliance upon a memo bearing No. E(Coml)/1777/75-10, dated 5.1.1976 issued by the erstwhile A.P. State Electricity Board pursuant to an unreported judgment of this Court in Writ Petition No. 6433 of 1974, dated 29.11.1974.

In the two Supreme Court judgments referred to hereinabove, the Supreme Court has laid down that where the premises is owned or occupied by a purchaser, and he seeks supply of electric energy, he cannot be called upon to clear the past arrears as a condition precedent to supply. Therefore, if there are any arrears remain unpaid by the previous owner, the remedy of the respondents is to proceed against such previous owner under the provisions of the A.P. State Electricity Board (Recovery of Dues) Act, 1984.

This Court has passed interim order on 18.3.2004 in W.P.M.P.No.2309 of 2004 and in obedience thereto, respondents sanctioned a fresh service connection to the petitioner's premises.

The same is recorded and the writ petition is accordingly allowed. No costs.

V.V.S. RAO,J

14th December, 2006

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[1] 1995 (2) SCC 648

[2] 2004 (3) SCC 587=AIR 2004 SC 2171